

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: David Diamond, D.V.M.

Petition No. 950613-47-018

CONSENT ORDER

WHEREAS, David Diamond, D.V.M., of Auburn, Massachusetts (hereinafter "respondent") has been issued license number 47-002377 to practice veterinary medicine by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 384 of the Connecticut General Statutes, as amended; and,

WHEREAS, the Department alleges that:

1. On or about May 21, 1995, he authorized euthanasia of a cat without first examining the cat and/or waiting a sufficient period of time for further observation.
2. The above described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes Section 20-202, including but not limited to §20-202(2).

WHEREAS, respondent, in consideration of this Consent Order, chooses not to contest the above allegations, but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Board of Veterinary Medicine (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §19a-9, §19a-14, and §20-202 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-202 of the Connecticut General Statutes, as amended, David Diamond, D.V.M., hereby stipulates and agrees to the following:

1. He waives his right to a hearing on the merits of this matter.

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2. His license to practice veterinary medicine in Connecticut is hereby reprimanded.
3. He shall pay a civil penalty of five hundred dollars (\$500) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check. Said civil penalty shall be payable at the time respondent submits this executed Consent Order to the Department.
4. He shall personally examine, evaluate and document the evaluation of any animal prior to euthanizing or authorizing euthanasia of the animal.
5. He shall comply with all state and federal statutes and regulations applicable to his licensure.
6. He understands that this Consent Order is a matter of public record.
7. Respondent agrees that the Department's allegations as contained in this Consent Order shall be deemed true in any proceeding before the Board in which (1) his compliance with this Consent Order is at issue, or (2) his compliance with §20-202 of the General Statutes of Connecticut, as amended, is at issue.
8. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
9. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.

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10. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
11. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.
12. Respondent has the right to consult with an attorney prior to signing this document.

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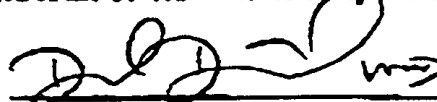
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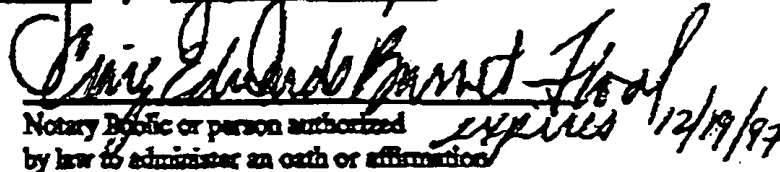
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I, David Diamond, D.V.M., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

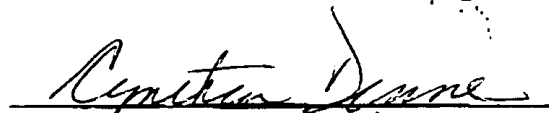


David Diamond


Subscribed and sworn to before me this Friday day of July 18, 1997.


Notary Public or person authorized by law to administer an oath or affirmation *expires 12/19/97*

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 22nd day of July, 1997, it is hereby accepted.


Cynthia G. Denno, Director
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Board of Veterinary Medicine on the 23rd day of July, 1997, it is hereby ordered and accepted.


Board of Veterinary Medicine

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